

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL MILLER,	:	
Plaintiff,	:	No. 5:24-CV-05338-JFL
	:	
v.	:	Judge Joseph F. Leeson, Jr.
	:	
COUNTY OF LANCASTER, <i>et al.</i> ,	:	
Defendants	:	

**DEFENDANTS' RESPONSE TO  
PLAINTIFF'S MOTION FOR JUDICIAL NOTICE**

Defendants County of Lancaster, Tammy Bender, Jacqueline Pfursich, Joshua Parsons, Ray D'Agostino, and Christa Miller (collectively, "Defendants") submit this response to Plaintiff's Motion for Judicial Notice (Doc. 27) to clarify the scope of concurrence in said Motion.

On December 17, 2024, Plaintiff Michael Miller sent counsel an email requesting concurrence in a motion "to take judicial notice of the complete dockets and filings in: 1. *Miller v. County of Lancaster*, No. 1:24-CV-00014 (M.D. Pa.); and 2. *Miller v. County of Lancaster*, Appeal No. 24-2934 (3d Cir.)." Counsel responded that "Defendants do not oppose your request to have the Eastern District Court take judicial notice of the complete dockets and filings in the Middle District and Third Circuit. You can indicate our concurrence in that motion." In a follow up message sent moments later, counsel clarified that the scope of this concurrence was limited to the *relief sought only* and that the Defendants did not concur in any of the statements or representations that Miller may make in said motion, because counsel had not been provided with the draft motion.

Defendants do not agree with or concur in Miller's statements regarding the finality of the judgment issued by the Middle District of Pennsylvania or the appropriate scope of the

requested judicial notice. As explained in Defendants' brief supporting their motion to dismiss, Miller's pending appeal does not affect the finality of Judge Wilson's order. (Doc. No. 18 at 12). Defendants defer to the Court's discretion in determining the appropriate weight to afford the judicially noticed documents.

Respectfully submitted,

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Dated: December 19, 2024

*Attorneys for Defendants*